

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff

DECISION and ORDER

-vs-

11-CR-6083

GORDON MONTGOMERY

Defendant

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**Siragusa, J.** This case was referred by order of the undersigned, docketed May 2, 2011, ECF No.2, to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). On November 5, 2012, Defendant filed an omnibus motion seeking various forms of relief, ECF No. 312, including suppression of statements made on February 23, 2012. As to Defendant's application to suppress statements, an evidentiary hearing was held on March 1, 2013, ECF No. 380 and a transcript of the proceeding was filed on March 14, 2013, ECF No. 387. On December 4, 2013, Magistrate Judge Payson filed a Report and Recommendation ("R&R"), ECF No. 443, recommending that the Court deny Defendant's motion to suppress. The time has passed for Defendant to file any objections to the R&R, and none have been filed.

Accordingly, for the reasons set forth in Magistrate Judge Payson's R&R, ECF No. 443, Defendant's application to suppress statements made on February 23, 2012 is denied.

IT IS SO ORDERED.

Dated: Rochester, New York  
February 13, 2015

ENTER:

/s/ Charles J. Siragusa  
CHARLES J. SIRAGUSA  
United States District Judge